

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: January 4, 2010
POSITION: Oppose

BILL NUMBER: AB 505
AUTHOR: W. Furutani

BILL SUMMARY: Sex Offenders: Housing

This bill would prohibit any person released on parole after having served a term of imprisonment in state prison for an offense requiring registration as a sex offender from living in multifamily housing in a unit, or in a hotel or motel room, with any other person also required to register as a sex offender during the period of parole, unless those persons are related by blood, marriage, or adoption. This bill would also restrict the number of such sex offenders that may be placed in rooms in a hotel or motel.

FISCAL SUMMARY

The Department of Finance (DOF) believes that the complete fiscal impact of this measure is unknown at this time, but could be significant. Specifically, the DOF believes that the California Department of Corrections and Rehabilitation (CDCR) could incur increased costs due to the increased difficulty in finding compliant housing for sex offenders who are newly released, as well as those offenders who currently reside in a home as described by this bill but would need to be moved to new compliant housing.

In addition, the CDCR has indicated that because this measure imposes housing restrictions only on parolees being released from imprisonment for a crime that requires registration as a sex offender (as opposed to being released after serving a term for a non-registerable offense, but still being required to register for prior convictions) it essentially creates two types of sex offender registrant parolees with different housing restrictions. As such, the costs to the CDCR to implement this bifurcated system would be approximately \$200,000, which includes approximately \$120,000 for the development, maintenance, and monitoring of a database to track the bifurcated parolee/sex offender population created by the measure, and one Staff Services Analyst/Associate Governmental Program Analyst to maintain that database at approximately \$80,000 annually.

COMMENTS

The Department of Finance is opposed to this measure because it could result in additional General Fund costs that are not included in the Governor's Budget. We also note that this bill may result in a decrease, rather than an increase, in public safety as this measure could cause many sex offenders to become transient or homeless, making them more difficult to monitor and track.

Existing law:

- Provides that when a person is released on parole after having served a term of imprisonment in a state prison for which registration as a sex offender is required, that person may not, during the period of parole, reside in any single family dwelling with any other person required to register as a sex offender, unless those persons are legally related by blood, marriage, or adoption.
- Prohibits any person required to register as a sex offender from residing within 2,000 feet of any public or private school, or park where children regularly gather.

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Analyst/Principal (0234) K. Gmeinder	Date	Assistant Program Budget Manager Zlatko Theodorovic	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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W. Furutani

January 4, 2010

AB 505

COMMENTS (continued)

Existing law:

- States that nothing in this law shall prohibit municipal jurisdictions from adopting local ordinances which further restrict the residency of any person for whom registration as a sex offender is required.
- Provides that no person required to register as a sex offender, for an offense committed against an elder or dependent adult, as defined, shall enter or remain on the grounds of a day care or residential facility where elders or dependent adults are regularly present or living, without having registered with the facility administrator or his or her designees, except to proceed expeditiously to the office of the facility administrator or designee for the purpose of registering.
- Provides that notwithstanding any other provision of law, an inmate who is released on parole for a violation of lewd and lascivious acts with a child, or continuous sexual abuse of a child, whom the CDCR has determined poses a high risk to the public shall not be placed or reside, for the duration of his or her parole, within one-half mile of any public or private school including any or all of Kindergarten and Grades 1 through 12, inclusive.
- Requires any inmate convicted of a felony requiring registration as a sex offender and who is committed to prison and released on parole shall be monitored by global positioning system for the term of his or her parole.
- Defines "multifamily dwelling" to be any structure designed for human habitation that has been divided into two or more legally created independent living quarters.

This bill would:

- Provides that when a person is released on parole after having served a term of imprisonment in state prison for any offense for which registration as a sex offender is required, that person shall not, during the period of parole, reside in multifamily housing in a unit with more than one other person also required to register as a sex offender, unless those persons are legally related by blood, marriage, or adoption.
- Provides that when a person is released on parole after having served a term imprisonment in state prison for any offense for which registration as a sex offender is required, that person shall not, during the period of parole, reside in a hotel or motel room with more than one other person also required to register as a sex offender, unless those persons are legally related by blood, marriage, or adoption.
- Requires CDCR to limit the placement of parolees required to register as sex offenders in a hotel or motel to no more than 10 percent of the rooms in that hotel or motel.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	Code
5225/Corr & Rehab	SO	No		See Fiscal Summary					0001